

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

BLOUNT PRIDE, INC., a 501(c)3)
nonprofit organization, and MATTHEW) Case No. 3:23-cv-00316-JRG-jem
LOVEGOOD,)
)
PLAINTIFFS,)
)
v.)
) COMPLAINT FOR VIOLATIONS OF
) THE CIVIL RIGHTS ACT OF 1871, 42
) U.S.C. § 1983
)
)
RYAN K. DESMOND, *in his official and*)
capacity as the District Attorney General of)
Blount County, Tennessee, JAMES)
BERONG, *in his official capacity as Blount*)
County Sheriff, TONY CRISP, *in his*)
official capacity as Maryville Police Chief,)
DAVID CARSWELL, *in his official*)
capacity as Alcoa Police Chief, and)
JONATHAN SKRMETTI, *in his official*)
capacity as Attorney General of Tennessee,)
)
DEFENDANTS.)

PLAINTIFFS' NOTICE OF SUPPLEMENTAL PERSUASIVE AUTHORITY

COME NOW the Plaintiffs, Blount Pride, Inc. and Matthew Lovegood, by and through their undersigned counsel, and hereby file their Notice of Supplemental Persuasive Authority.

Attached hereto as **Exhibit 1** in support of *Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction* (ECF No. 2) is Judge David Hittner's *Temporary Restraining Order*, entered in the case of *The Woodlands Pride, Inc., et al., v. Angela Colmenero, in her official capacity as Interim Attorney General of Texas, et al.*, Case No. H-23-2847 filed in the United States District Court for the Southern District of Texas on August 31, 2023. (ECF No. 75).

In his order, the Honorable Judge Hittner evaluated a similar motion for temporary restraining order which challenged Texas's Senate Bill 12 ("S.B. 12"). S.B. 12 purported to ban "sexually oriented performances" through both civil penalties for commercial entities who host such events and criminal penalties for the performers, much like the AEA does in Tennessee. Ultimately, Judge Hittner found that there was a substantial likelihood that S.B. 12 violated the First Amendment under multiple legal theories, and that the impending infringement on the plaintiffs' constitutional rights evidenced sufficient irreparable harm to warrant injunction. Ultimately, Judge Hittner enjoined all of the Defendants' officers, agents, employees, attorneys, and other persons in active concert with Defendants from enforcing S.B. 12.

These cases are essentially mirror images of each other in that each cause of action was based on Defendants' violations of Plaintiffs' First Amendment rights through state enactment of a ban on drag performances through 1) unconstitutional content-based restriction; 2) unconstitutional restriction based on viewpoint; 3) an unconstitutionally overbroad law; 4) which was also unconstitutionally vague; and 5) ultimately an unconstitutional prior restraint on the speech of plaintiffs. As such, Plaintiffs aver that this Court should take notice of Judge Hittner's Temporary Restraining Order issued yesterday and issue a similar order in this matter.

Respectfully submitted,

/s Justin S. Gilbert

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon all parties of record via the Court's ECF system on the 1st day of September 2023.

/s/ Justin S. Gilbert
Justin S. Gilbert